

REGULAR MEETING  
December 9, 2002

The Regular Meeting of the Annapolis City Council was held on December 9, 2002 in the Council Chamber. Alderman Hammond called the meeting to order at 7:34 p.m.

Present on Roll Call: Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen,  
Alderwomen Hoyle, Carter

Mayor Moyer was absent.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason,  
Coordinator of Community and Social Programs Spencer

Awards and Presentations

C Coordinator of Social Programs Spencer acknowledged the following employees:

Darlene Benedict, Human Resources . . . . . 23 Years of Service  
William Kane, Public Works . . . . . 28 Years of Service  
William Sheets, Public Works . . . . . 42 Years of Service  
George Ellis, Battalion Chief, Fire Department . . . . . 35 Years of Service

C For Mayor Moyer, Alderman Fox proclaimed December 9, 2002 Annapolis Sailing  
School Appreciation Day.

C Alderman Tolliver moved to approve the Journal of Proceedings for November 4,  
2002 and November 25, 2002. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Spoke against O-36-02

- Lee Aube, 112 Archwood Avenue, Annapolis, Maryland
- Arthur Greenbaum, 7 Constitution Square, Annapolis, Maryland
- Bryan Miller, 14 Market Street, Annapolis, Maryland

LEGISLATIVE ACTION

ORDINANCES

**O-19-02 For the purpose of repealing in its entirety and adding new Annapolis City Code Chapter 14.12, Trees, so as to define the duties of the environmental commission, the department of public works and the director of public works with regard to trees in the City of Annapolis; to provide regulations concerning the removal and maintenance of trees in public areas and in the conservation areas; to provide for the creation and enforcement of a master street tree plan and a tree planting program; to provide for the abatement of certain nuisances; and matters generally relating to said chapter.**

Without objection, O-19-02 was postponed.

**O-27-02 For the purpose of increasing residential opportunities in the business corridor enhancement district; better articulating positive residential design guidelines along such corridors; increasing the permitted uses in the BCE district; requiring that specific uses comply with certain standards; allowing the director of planning and zoning to modify the site access criteria for sites developed in the BCE district based on certain factors; and matters generally relating to said district.**

Alderwoman Hoyle moved to adopt O-27-02 on second reading. Seconded.

C Alderman Fox moved to amend O-27-02 as follows:

No. 1

On Page 2, line 11 (or line 27 on Revised version) after “opportunities”

*add* “and to promote and encourage mixed use,”.

Seconded. CARRIED on voice vote.

C Alderman Tolliver moved to table O-27-02 to the next regular meeting of the City Council. Seconded.

Planning & Zoning Director Arason was present and answered questions from the Council.

The motion to table was DEFEATED on voice vote.

C Alderwoman Hoyle moved to adopt O-27-02 **Revised** as follows:

## **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

### **ORDINANCE NO. O-27-02 **Revised****

**Introduced by Alderman Hoyle**

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**AN ORDINANCE** concerning

#### **Business Corridor Enhancement District**

**FOR** the purpose of increasing residential opportunities in the business corridor enhancement district; better articulating positive residential design guidelines along such corridors; increasing the permitted uses in the BCE district; requiring that specific uses comply with certain standards; specifying the minimum lot area and the minimum lot width for a multi-family residential use; specifying the minimum requirement for off-street parking accessory to multi-family residential use; allowing the director of planning and zoning to modify the site access criteria for sites developed in the BCE district based on certain factors; and matters generally relating to said district.

\* \* \* \* \*

**BY** repealing and re-enacting, with amendments  
Title 21  
Chapter 21.75  
Sections 21.75.010 - 21.75.020  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**BY** adding new  
Title 21  
Chapter 21.75  
Section 21.75.025  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**BY** repealing and re-enacting, with amendments  
Title 21  
Chapter 21.75  
Sections 21.75.050 - 21.75.060  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**BY** repealing and re-enacting, with amendments  
Title 21  
Chapter 21.75  
Sections 21.75.090 - 21.75.100  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**BY** repealing and re-enacting, with amendments  
Title 21  
Chapter 21.75  
Sections 21.75.120  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**BY** adding new  
Title 21  
Chapter 21.75  
Section 21.75.130  
Code of the City of Annapolis  
(1996 Edition and Supplement)

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall read as follows:

**Sec. 21.75.010 Authority and purpose.**

A business corridor enhancement district is hereby established. The purpose of establishing this district is to increase commercial **and certain residential** opportunities while protecting the aesthetic and visual character of lands adjacent to the major business corridors. All development proposed within this district shall be subject to the procedures, standards and guidelines specified in the following sections in addition to those standards contained in Chapter 21.98. In particular, the purpose of the business corridor enhancement district is to encourage and better articulate positive commercial **and certain residential** design guidelines along commercial corridors, protect adjacent uses from the impacts of commercial development and to provide for the safe and efficient use of adjacent roadway corridors. This will be accomplished through evaluation of proposed developments within this zone by administrative review as established in this title. There shall be no alteration of the existing condition of the lands, uses or structures within the business corridor enhancement district from the date of enactment of this section henceforth except as provided for by this section or by other sections of this title.

**Sec. 21.75.020 Permitted uses.**

The following uses are permitted in the BCE district:

A. All retail and service uses permitted in the B3 zone, including but not limited to the uses listed below. However, any such uses that exceed twenty-five thousand square feet of gross floor area shall be special exceptions as noted in Section 21.75.030. Furthermore, uses listed in the B3 zone as being subject to standards shall be subject to the same standards. To the extent that there are any discrepancies between uses set forth in the B3 zone and uses set forth herein, the provisions of this chapter shall control.

B. Office:

1. Government;
2. Professional;
3. Medical;
4. Veterinarian;
5. Business and Professional;

C. Retail and Service Uses:

1. Antique store;
2. Art shop, gallery, supplies;
3. Banks and financial institutions;
4. Barbershop;
5. Beauty parlor;
6. Bicycle sales, rental, repair;
7. Building material sales;
8. Business machine sales and service;
9. Business supply;
10. China and glassware;
11. Coin and stamp store;
12. Computer and communications products, sales, rental and service businesses;
1213. Department store;
1314. Drug store;
1415. Dry cleaning;
1516. Dry goods;
1617. Dressmaking/tailoring;
1718. Dry goods store;
1819. Fabric store;
1920. Florist;
2021. Furniture sales;
2122. Furriers;

- ~~22~~23. Gift shops;
- ~~23~~24. Hardware/garden supply store;
- 25.     Hardware, paint and wallpaper store;
- ~~24~~26. Hobby shops;
- 27.     Home improvement store;
- ~~25~~28. Interior decoration;
- ~~26~~29. Jewelry sales and repair;
- ~~27~~30. Locksmith;
- ~~28~~31. Medical supply;
- ~~29~~32. Millinery;
- ~~30~~33. Musical instrument sales and repair;
- 34.     Nautical supplies;
- 35.     Optical sales and service;
- ~~31~~36. Optician;
- 37.     Package and mailing service;
- ~~32~~38. Paint and wallpaper sales;
- 39.     Photocopying and reproduction service;
- ~~33~~40. Picture framing;
- ~~34~~41. Photography studio;
- ~~35~~42. Radio and TV sales;
- ~~36~~43. Record stores;
- ~~37~~44. Shoe sales and repair;
- ~~38~~45. Sporting goods;
- ~~39~~46. Ticket office;
- ~~40~~47. Toy store;
- 48.     Variety service store;
- ~~41~~49. Video sales and rental;
- ~~42~~50. Wearing apparel;
- D.     Motor Vehicle Related Uses:

1. Auto parts sales;
2. Vehicle repair and maintenance;
3. Vehicle rental;
4. Vehicle sales and service;
- E. Food and Beverage Service -- Subject to the Specific Standards of Section 21.30.025:
  1. Bake shop/bakery;
  2. Catering establishment;
  3. Coffee shop, including outdoor dining;
  4. Ice cream store;
  35. Market, open air;
  46. Restaurant, class II, standard;
  57. Restaurant, class III, miscellaneous, except food service marts:
    - a. Delicatessen;
    - b. Food service mart;
  8. Supermarket, not to exceed 25,000 square feet;
- F. Residential, Special Service, Uses:
  1. Elderly housing;
  2. Nursing care facility;
- G. Religious Uses:
  1. Church, chapel, temple, synagogue;
  2. Rectory, parish, parish house;
- H. Education or Cultural Uses:
  1. Art or cultural center;
  2. Group day care center;
  23. Library, public;
  34. School, private;
  45. School, public;
  56. Visitor center;

**Sec. 21.75.025 Permitted uses subject to standards.**

A. Generally. The following use is permitted in the BCE district, subject to the standards enumerated in subsection C of this section: multi-family residential uses, which may include structured parking as a component thereof.

B. Site development plan. A site development plan may be approved by the department of planning and zoning, subject to a determination that the plans for the project comply with the standards enumerated in subsection C.

1. The applicant shall provide documentation that demonstrates the site development plans are in compliance with all requirements set forth in this section.

2. The standards are in addition to all other applicable requirements of the BCE zoning district and of Chapter 21.98, Site Design Plan Review.

C. Notwithstanding the development standards set forth elsewhere in this chapter, the uses set forth in subsection A of this section shall comply with the following standards:

1. Lot Size.

a. The minimum lot size for a multi-family residential use in a BCE district shall be two acres, except that the residential component of a unified development plan on such a lot may be developed on a parcel of a minimum of twenty thousand square feet.

b. The minimum lot width shall be one hundred feet and the minimum lot depth shall be one hundred feet.

c. The maximum number of dwelling units per acre shall not exceed sixty.

2. Building Height.

a. Notwithstanding the provisions of Section 21.06.130, a multi-family residential use in a BCE district shall not exceed either four stories and/or sixty-five feet in height.

b. A loft or intermediate story between a floor and a ceiling of a full story shall not be treated as a story.

c. A multi-family residential use in a BCE district shall not be subject to the provisions of Section 21.75.090(D)(2) hereof.

3. Lot Coverage. A multi-family residential structure and its accessory structures in a BCE district shall not exceed eighty percent lot coverage.

4. Building Bulk. A multi-family residential use in a BCE district shall not exceed a floor area ratio of 2.0.

5. Parking and Loading.

a. Parking and loading spaces shall be provided for a multi-family residential use in a BCE district in accordance with the provisions of Chapter 21.26 and Section 21.75.100.

b. Sufficient street-level parking shall be provided to accommodate commercial uses and office visitors;

c. Parking spaces wherever reasonably possible shall be located in the rear or interior courtyard or plaza areas; if structured parking is provided then it shall be screened by buildings or landscaped wherever reasonably possible;

d. In accordance with Section 21.04.250 A, parking structures or spaces shall not be counted as part of floor area for purposes of floor area ratio calculations.

e. The loading berth requirement for a multi-family residential use in a BCE district shall be as specified in Section 21.26.020 G.

f. Notwithstanding the provisions of Section 21.64.230, off-street loading berths for such multi-family residential uses and other BCE uses developed in conjunction therewith may provide requisite off-street loading berths in the front or side yard of the lot.

g. Notwithstanding the provisions of Section 21.64.280, loading berths provided for the multi-family residential use may be used to satisfy the loading berth requirements for non-residential uses on the site.

h. Parking areas shall be provided for bicycles.

6. Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor.

7. Streetscape/Landscaping.

a. The streetscape shall be of an urban character with street trees, street lighting, controlled pedestrian crossings, dedicated bicycle facilities, benches and other streetscape elements, as determined by the director of planning and zoning. Public courts and plazas shall be open to the street or connect to pedestrian walkways. Such areas shall be well planted and shall be paved for pedestrian circulation.

b. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks, pathways, crossings and other marked pedestrian ways.

c. Sidewalks along streets designated as major or minor arterial in the comprehensive plan shall be a minimum of fifteen feet wide; sidewalks along all other streets shall be a minimum of twelve feet wide.

d. Buffer areas adjacent to public streets shall have street trees a minimum of thirty-five feet on-center and a maximum of forty-five feet on-center along with planting beds buffering pedestrians from vehicular traffic.

e. Pedestrian features such as benches, lighting and pavers shall be designed in a consistent manner.

f. Interior courtyards, boulevards and plaza areas shall be adequately landscaped, and include adequate sitting areas.

g. An exterior lighting plan, including a fixture schedule, shall be provided, that shall insure that site lighting is designed at appropriate levels to achieve public safety without creating excessive glare or high intensity. High pressure sodium (yellow-orange) shall be prohibited for exterior use, and for the interior use in parking areas where the lighting is visible from the outside. A reduction intensity lighting may be required after installation if a determination is made that the lighting is too bright or creates excessive glare.

h. The applicant shall explore the possibility of utilizing green roof technology, unless proven not commercially feasible, as determined by the director of planning and zoning.



i. A Planting Soils Improvement Plan shall be reviewed and approved prior to the issuance of grading permits, sufficient to provide for the long term health of all plantings and to meet the principles and recommendations for soils for urban tree plantings outlined in "Architectural Graphic Standards 10<sup>th</sup> Edition", pages 178 through 182, published by John Wiley & Sons, 1998.

8. Building/Architecture. For the purpose of achieving a high quality level of design while also providing flexibility for creative design solutions, the following building and architectural standards shall apply:

a. Buildings shall be designed with a diversity of architectural styles that enhance the visual identity and integrity of this important gateway to the city of Annapolis;

b. Street facing facades shall provide several pedestrian access points;

c. Buildings, rather than parking, shall be generally oriented towards adjacent public streets creating an active, urban-type frontage;

d. Mixed-use buildings fronting on an arterial street shall provide opportunities for ground-floor retail or other commercial space with residential, hotel or office uses above;

e. Buildings with ground-floor retail shall have all retail entrances facing the public or private streets or interior courtyards or plazas of the site;

f. The ground floor shall be differentiated from the upper floors to establish a distinct base for the building;

g. The exterior facades of the building shall be articulated in a human scale;

h. The mass of large scale building shall, where possible, be divided into smaller elements or parts to minimize any negative impact on adjacent streets;

i. Buildings shall be constructed of quality, durable materials appropriate to the vernacular architecture of Annapolis, including brick, stone, wood and/or concrete;

j. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible;

k. Visible facades of parking facilities shall be designed to be compatible with the architectural character of surrounding structures.

9. Traffic impact.

a. A traffic impact study shall be required, the scope of which shall be determined by the director of planning and zoning.

b. Any adverse impact by the use on critical lane levels of service at adjoining intersections shall be mitigated by the applicant as required by the director of planning and zoning.

10. Common open space. Permanent usable common open space equal to a minimum of ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation, subject to the following requirements:

a. The area of each parcel of common open space shall be of such minimum dimensions as to be functionally usable.

b. Common open space areas shall be convenient to the dwelling units they are

intended to serve.

c. The area required for parking lot landscaping or buffers shall not be included in the common open space calculation.

d. Up to fifty percent of the common open space may include community meeting rooms and indoor recreational facilities, such as club houses and exercise facilities.

e. Any area dedicated for open space purposes shall be described in appropriate subdivision dedications, covenants and/or deed restrictions approved by the city attorney which demonstrate that:

1. The use of the common open space shall continue for the life of the project for the purpose specified;

2. Appropriate provisions shall be made for the maintenance of the common open space areas; and

3. Common open space areas shall not be used for a commercial enterprise admitting the public for a fee.

f. The type of ownership of land dedicated for common open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the director of planning and zoning. Type of ownership may include, but is not limited to the following:

1. The city, subject to the acceptance of the city council;
2. Homeowner, condominium or cooperative associations;
3. Shared, undivided interest by all property owners;
4. The project owner.

g. The owner of the common open space shall be responsible for its continuing upkeep and proper maintenance.

E. Subdivision plat. Notwithstanding any other provisions of the city code to the contrary, a subdivision plat in accordance with the requirements of Title 20 shall be approved by the planning commission for all site development plans in the BCE district.

1. Notwithstanding the provisions of Section 20.08.030, an administrative exemption to the subdivision plat shall not be allowed.

2. In approving the subdivision plat, the planning commission shall determine that the design and development of the project is in compliance with all applicable goals and policies of the comprehensive plan and any legislatively adopted sector studies or other legislatively adopted planning studies for the area in which the project is located.

F. Modifications to standards. In acting upon the subdivision plat, the planning commission shall have the authority to modify any of the foregoing standards or other BCE development standards set forth herein, provided the planning commission shall find based on the evidence presented in each case that the proposed modification to the standard complies with all of the following criteria:

1. The objectives underlying the standards can be met without strict adherence to them;

2. Because of peculiarities in the parcel of land to be developed or the facilities proposed, it would be unreasonable to require strict adherence to the standards;
3. The modification is in the public interest and is necessary in order to further the purposes of the BCE district; and
4. The modification is in compliance with all applicable goals and policies of the comprehensive plan or other legislatively adopted planning studies for the area in which the project is located.
- G. Modifications to approved site development plan. All substantive changes or modifications to the approved site development plan shall require review and approval by the planning commission in accordance with the above referenced standards and subdivision plat approval.

**Sec. 21.75.050 Lot size--Requirements.**

Unless as otherwise specified in this section, the minimum lot size in the BCE district is five thousand square feet, and the minimum lot width in the BCE district is fifty feet, except that any lots or parcels of land created after October 11, 1993 shall not have direct curb cut or driveway access to roads functionally classified as major or minor arterial roads in the comprehensive plan.

Use	Minimum Lot Area	Minimum Lot Width
Motor vehicle sales	1.5 acres	150 feet
Education and cultural institutions	20,000 sq. ft.	90 feet
Religious institutions	20,000 sq. ft.	90 feet
Hotel, motel, inn	1 acre	200 feet
Multi-family residential	2 acres	100 feet

**Sec. 21.75.060 Building bulk.**

In the BCE district the following bulk, height and lot coverage restrictions shall apply, except as allowed under Section 21.75.025:

- A. Height. The maximum height of buildings and structures shall be as follows:
1. 2.5 stories, not exceeding thirty-five feet in height, for structures located within fifty feet of residentially zoned lots;
2. Four stories, not exceeding forty-five feet in height, for structures located in excess of fifty feet from residentially zoned lots.

**Sec. 21.75.090 Design standards.**

The compatible relationship of architecture along roads in the business corridor enhancement district is of critical public concern for any buildings or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience from the roadway. To accomplish this, the administrative review shall adhere to the following guidelines for proposed structures, site improvements, signs and streetscape improvements:

- A. General.

1. This section governs the design and layout of sites and structures within the BCE district;

2. The planning commission, after public hearing, may adopt additional design guidelines which are supplementary to, but not in conflict with, the design guidelines specified in this section;

3. The guidelines in this section are intended to supplement the requirements of Sections 21.98.010 through 21.98.160. Where the standards are in conflict, the more restrictive provisions shall apply.

B. Relationship of Buildings to Site.

1. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas;

2. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings;

3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to screen parking areas from view from public ways;

4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings;

5. Newly installed utility services and service revisions necessitated by exterior alterations, shall be underground.

C. Streetscape Improvements and External Changes. Streetscape improvements include those architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences. These improvements shall be designed to be consistent with all guidelines listed above, and shall be reviewed for aesthetic functionality and compatibility with the prevailing character.

D. Infill Design.

1. General. The construction of new infill buildings should look appropriate and compatible as part of their surroundings. The appearance of these new buildings also must be sensitive to the character of the commercial neighborhood in which they are located.

2. Height.

a. The variation between the height of the new building and the height of adjacent buildings should not vary by more than one story within thirty feet from any existing adjacent building;

b. The height of a building in excess of forty-five feet should be set back fifty feet from the front line and fifty feet from the rear lot line.

3. The standards of this subsection shall not apply to site development plans for multi-family residential projects approved in accordance with the provisions of Section

**21.75.025.**

**Sec. 21.75.100      Parking.**

A.      General. Off-street parking and loading shall be provided in accordance with provisions of this chapter, Chapter 21.64 and Chapter 21.98.

B.      Minimum Requirements. Off-street parking accessory to uses shall be provided as follows:

1.      Office: one space per three hundred square feet.
2.      Retail and service: one space per two hundred square feet.
3.      Food and Beverage.
  - a.      Restaurants and bars: spaces equal to thirty percent of capacity;
  - b.      Other: one space per two hundred square feet.
4.      Residential Special Service.
  - a.      Elderly Housing: one space per each apartment, unless within five hundred feet of a bus stop in which case one space per each two apartments;
  - b.      Nursing Care: one space per four beds and one per each two employees plus one per each doctor assigned to staff.
5.      Educational.
  - a.      Schools: one space per teacher cultural and staff member;
  - b.      Other: one space per four hundred square feet.
6.      Community Uses: spaces equal to thirty percent capacity.
7.      Recreation/commercial Uses: spaces equal to thirty percent capacity.
8.      Public Service and Utility Uses: one space for each two employees plus additional spaces as determined by the director of planning and zoning to serve the public.
9.      General Light Industrial: one space per each two employees, plus one space per each three hundred square feet of accessory retail.
10.     Automobile Sales and/or Service.

Office	3 spaces/1000 sf gfa
Retail/showroom	5 spaces/1000 sf gfa
Service/repair	3 spaces/1000 sf gfa
	plus 1 space/employee
11.     Special Exceptions Not Noted Above.
  - a.      Motor Vehicle Service Stations: one space for each two employees plus one space for the manager;
  - b.      Auto Laundries: one parking space for each three employees, plus one space for the owner or manager, plus reservoir parking/queuing spaces equal to five times the

maximum capacity of the automobile laundry;

c. Hotel, Motel, Inn: one space per each three rooms plus additional parking as determined by the director of planning and zoning for auxiliary/accessory uses.

12. Religious Institutions: one space for each six seats.

13. Multi-family residential uses: 1.8 spaces per dwelling unit.

C. Parking Lot Landscaping. Parking lot landscaping shall be provided pursuant to the requirements of Section 21.75.080 (bufferyards), Section 21.75.090 (design standards) and Chapter 21.64.

**Sec. 21.75.120 Site access criteria.**

The proposed development project shall be designed to minimize left turn movements or conflicts on the site and in the street. Driveways should be designed to achieve clear sight lines. Site access and circulation should conform whenever feasible to the following standards:

A. Where a site or lot has frontage on two or more roads, the access to the site should be provided to the site from the lower classified road, unless there is less potential for traffic congestion and for hazards to traffic and pedestrian movement from the higher classified road;

B. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the city should require that provisions shall be made for turning lanes, traffic directional islands, service roads, driveways and traffic controls within the road. It is the further objective of the BCE zone to minimize curb cuts and driveways by denying direct access for any new lots converted after October 11, 1993;

C. Access driveways should be designed with sufficient capacity to avoid queuing of entering vehicles on any road or street;

D. Where topographic and other conditions are reasonably usable, provision should be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services or when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street;

E. There should be no more than one driveway connection from any site or lot to any street, except where separate entrances and exit driveways may be necessary to safeguard against hazards and to avoid congestion. Additional driveways should also be considered for large tracts and uses of extensive scope, if traffic flow on adjacent roads will be facilitated by the additional connections;

F. Each access driveway shall be located and designed so as to cause the least practical interference with the use of adjacent property and with the movement of pedestrian or vehicular traffic;

G. Access driveway widths shall have the following dimensions:

1. A minimum of twelve feet for all one-way driveways; one-way driveways shall not exceed fifteen feet;

2. A minimum of twenty-four feet for all two-way driveways; two-way driveways shall not exceed twenty-five feet.

H. The design objective within the BCE district shall be to allow no more than two driveways for each two hundred feet of street frontage on any lot. When a site is developed or redeveloped in the BCE district, excess driveways shall be eliminated or relocated when possible to achieve this objective. Circulation driveways are encouraged to minimize excess curb cuts and driveways.

I. Notwithstanding the provisions of this subsection, the director of planning and zoning may in his/her discretion modify the site access criteria for sites developed for all uses in the BCE district based on the adjacent road configuration, the location and constraints of the specific site and the nature and density of the proposed uses and structures.

**Sec. 21.75.130 Multiple structures on a zoning lot.**

Notwithstanding the provisions of Section 21.06.050, a multi-family residential use in a BCE district shall be permitted to contain more than one principal residential building, including a building containing a mix of residential and other BCE district uses, on a zoning lot.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2002.

Seconded.

C Alderman Tolliver moved to amend O-27-02 **Revised** as follows:

page 8, line 6

No. 1

following "exceed" *strike* "either"

No. 2

following "four stories" *strike* "/or"

Seconded. CARRIED on voice vote.

The main motion revised with the Rules and City Government Committee recommendation as amended CARRIED on voice vote.

Alderman Fox moved to adopt O-27-02 Revised amended on third reading. Seconded. CARRIED on voice vote.

**O-32-02 For the purpose of amending the configuration of the Annapolis harbor line outboard of 319 Sixth Street; and matters generally relating to said harbor line.**

Alderman Cohen moved to adopt O-32-02 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-32-02.

The main motion CARRIED on voice vote.

Alderman Cohen moved to adopt O-32-02 on third reading. Seconded. CARRIED

on voice vote.

- O-34-02** For the purpose of establishing City policy in regard to discrimination; defining “discrimination”; establishing procedures for discrimination complaints; and matters generally relating to said discrimination.

Without objection, O-34-02 was withdrawn.

- O-38-02** For the purpose of conveying by special warranty deed the City's right, title and interest in 3,300 square feet, more or less, of real property fronting partially on Colonial Avenue in the City of Annapolis, more particularly described as Lot 1 as shown on a plat entitled “Knighton Parking Garage, subdivision for the City of Annapolis” recorded among the land records of Anne Arundel County, Maryland as Plat No. 12741 in Book 244, page 14, in exchange for the conveyance to the City by special warranty deed of all right, title and interest in 320 square feet, more or less, of real property located at 15 Colonial Avenue in the City of Annapolis, more particularly described in a deed dated February 25, 2000 recorded among the land records of Anne Arundel County, Maryland in liber 9676, page 434, which conveyance will be subject to a written lease from the City to the owners of said real property for the use of the entire area conveyed; providing for these conveyances to occur by private sale; and all matters relating generally to these conveyances and said lease.

Alderman Fox moved to adopt O-38-02 on second reading. Seconded.

The Finance Committee reported favorably with amendment on O-38-02.

Alderman Fox moved to amend O-38-02 as follows:

**No. 1**

On Page 3, line 28

*add* “**SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the deeds conveying the property between the parties shall be held by the City Attorney, subject to final approval of the garage design, and if the design shall not require the conveyance described herein, the City Attorney shall return the deeds to the grantors without execution or recordation and the conveyances described herein shall not occur.”,

**No. 2**

On Page 3, line 29

*strike* “**SECTION IV:**”

*add* “**SECTION V:**”.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Fox moved to adopt O-38-02 amended on third reading. Seconded. CARRIED on voice vote.

- O-39-02** For the purpose of amending the definition of “landmark” by removing



**the requirement that a site or structure may only be designated a landmark if it is outside the boundaries of the historic district; and matters generally relating to said definition.**

Alderman Tolliver moved to adopt O-39-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules, City Government Committee and Planning Commission and Historic Preservation Commission

### **RESOLUTIONS**

**R-33-02 For the purpose of allowing the mayor to appoint members to the Sidewalk Task Force Committee if an alderman has not designated his/her ward representative by a certain date; and all matters relating to said appointments.**

Alderman Cohen moved to adopt R-33-02 on second reading. Seconded. CARRIED on voice vote.

**R-34-02 For the purpose of designating Kronstadt, St. Petersburg as a sister city for the City of Annapolis; and all matters relating to said sister city designation.**

Alderman Fox moved to adopt R-34-02 on first reading. Seconded. CARRIED on voice vote.

**R-36-02 For the purpose of requesting that the Maryland General Assembly restore the full amount of the State Transfer Tax to its originally intended purposes; and all matters relating to said program.**

Alderwoman Carter moved to adopt R-36-02 on first reading. Seconded. CARRIED on voice vote.

**R-37-02 For the purpose of requesting the State of Maryland to expand the Homestead Property Tax Credit Program to enable local jurisdictions to limit taxable assessments for all properties, rather than homeowner-occupied properties exclusively; and all matters relating to said Program.**

Alderman Cohen moved to adopt R-37-02 on first reading. Seconded. CARRIED on voice vote.

### **Brew Pub Legislation**

**O-36-02 For the purpose of amending the definition of a class II standard restaurant to include brew pubs; adding brew pubs as a use allowed in conjunction with a restaurant as a special exception in various commercial zoning districts; and matters generally relating to said brew pubs.**

Alderman Fox withdrew O-36-02.

**R-38-02 For the purpose of amending the Ward One Sector Study to allow brew pubs, in conjunction with a new or existing restaurant, to remain open after midnight, until 2 a.m.**

Alderman Fox moved to adopt R-38-02 on first reading. Seconded. CARRIED on

voice vote.

Without objection, referred to the Planning Commission and Ward One Sector Study Committee

**BUSINESS AND MISCELLANEOUS**

1. Finance Committee Meeting Recommendations dated November 21, 2002

Alderman Fox moved to accept the Finance Committee Meeting Recommendations dated November 21, 2002. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderwoman Carter moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointment

Alderman Cohen moved to approve the Mayor's appointment of the following individuals:

Sidewalk Advisory Committee . . . . . Vincent Price

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:45 p.m.

Deborah Heinbuch, CMC/AAE  
City Clerk